

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LATOYA NEWKIRK,

Plaintiff,

-against-

**COUNTY OF SUFFOLK, CHRISTOPHER
A. MCCOY, in his official and individual
capacities, and MARK PAV, in his official
and individual capacities,**

Defendants

**DECLARATION IN
SUPPORT OF THE
DEFENDANTS' RULE 56
MOTION**

CV 17-2960 (MKB)(PK)

State of New York)

ss.:

County of Suffolk)

Brian C. Mitchell, an attorney, duly admitted to practice before this Court and the Courts of the State of New York, affirms as follows under penalty of perjury:

1. I am an Assistant County Attorney in the office of Dennis M. Cohen, Suffolk County Attorney, attorney for the County of Suffolk and Mark Pav, defendants in the above civil rights action pursuant to 42 U.S.C. § 1983. I submit this declaration in support of the County Defendants' motion pursuant to Fed.R.Civ.P. Rule 56 for an order granting summary judgment.

2. It is respectfully submitted that based upon the case law and legal principals set forth the in attached Memorandum of Law, which is incorporated by reference, the defendants should be granted summary judgment.

3. In support of its motion, the defendants attach the following exhibits and evidence, which your affirrant declares are true and accurate copies of the original exhibits and evidence:

RULE 56 MOTION EXHIBITS/EVIDENCE LIST

Exhibit A Deposition testimony of Latoya Newkirk dated October 8, 2019.
Exhibit B Deposition Testimony of Mark Pav dated March 20, 2020.
Exhibit C Prisoner Activity Log for Victoria Harris.
Exhibit D Deposition testimony of Delfina Rivera dated March 11, 2020.
Exhibit E Suffolk County Police Department Warrant paperwork

WHEREFORE, the defendants respectfully request that the Court grant this motion for summary judgment pursuant to F.R.C.P. Rule 56.

Dated: Hauppauge, New York
February 11, 2021

Brian C. Mitchell
Brian C. Mitchell
Assistant County Attorney